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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/106,841 06/30/98 NICHOL

J

EXAMINER

PM82/0103

COHEN, C

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

01/03/01

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AIR MAIL

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/106,841

Applicant(s)

Nichol

Examiner

Curtis Cohen

Group Art Unit

3634



☒ Responsive to communication(s) filed on Oct 17, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 15-28 is/are pending in the application.

Of the above, claim(s) 22, 24, and 26 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 15-21, 23, 25, 27, and 28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

Claims 22, 24 and 26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made **without** traverse in Paper No. 11.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-21, 23, 25, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15, line 1, it is not understood what the structural difference is between an angled gripping joint and a U-beam top joint? They appear to be the same structure.

Claims 15, line 1, the term "combination" is indefinite because it is unclear as to what the combination refers. That is, a combination of what? This language appears to be unnecessary and should be removed.

Claim 15, line 4, the term "each side bracket" is indefinite because there is no antecedent basis for the term "each."

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Claim 15, line 4, the term “in conjunction” is indefinite. It is unclear what structural relationship is being defined by this term. Does “in conjunction” means that the two elements are touching, fixed together, or spaced apart?

Claim 15, line 5, the recitation of the phrase “adapted to abut three sides of a lumber leg while allowing a fourth side of the lumber leg free to pivot away from the bracket until pressing a top edge of the fourth side against the lumber cross-beam” is indefinite. From the specification, including the drawings, it appears as if the bracket can only abut one side of a lumber leg. It is not understood how a fourth side of a lumber leg can pivot from the bracket while the other three sides abut the bracket. Applicant is required to explain this particular language or amend the claims to clarify the language.

Claim 21, this claim is indefinite because it fails to limit the claim from which it depends. That is, claim 20 recites the subcombination of the gripping joint. Now claim 21 recites a combination of a sawhorse and a gripping joint which is indefinite because there are no further limitations recited with respect to the gripping joint. How is the gripping joint being further limited? Applicant might consider rephrasing claim 21 and the claims that depend therefrom to recite -- A sawhorse assembly including the angle gripping joint of claim 20 and a pair of sawhorses; each sawhorse having a lumber cross-beam and four lumber legs--.

Claims 23 and 27, line 1, the phrase “the combination of a pair of sawhorse joint combination” is indefinite because the phrase is grammatically confusion and the term “the

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combination” as recited in claim 21 is referring to the sawhorse, not the “a pair of sawhorse joint combination” as set forth in line 1, of claims 23 and 27.

***Allowable Subject Matter***

Claims 15-21, 23, 25, 27, and 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Cohen whose telephone number is (703) 308-2106.

The fax phone number for this Group is (703) 305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

C. Cohen

January 2, 2001

  
Jerry Redman  
Primary Examiner